



2839

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 2839

Attorney Docket No. 13457

#5/Election
D. EVANS
7.2.03

In re:

Patent Application of:

Turek et al.

Serial No.: 10/092,078

Filed: March 6, 2002

Examiner: Nguyen, Son

**"ELECTRICAL COMPONENT
TERMINAL CONNECTOR"**

I, Paul F. Donovan, hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Paul F. Donovan
Signature

June 20 2003
Date of Signature

RESPONSE TO RESTRICTION AND ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TECHNOLOGY CENTER 2800

JUN 25 2003

RECEIVED

Sir:

This communication responds to the Office Action mailed May 21, 2003.

The Examiner has identified in the application two groups of claims and has required restriction to one of these groups. The groups are Group I (claims 18-22) drawn to a method of making a connector and Group II (claims 1-17) drawn to an electrical connector. Applicants' attorney elects to prosecute the claims of Group II with traverse, as further set forth below, and respectfully requests reconsideration of the restriction requirement.

The Examiner has also indicated that each Group I and II contains claims directed to patentably distinct species. In response, the Applicants' attorney elects, with traverse, for prosecution on the merits that embodiment of the claimed invention illustrated in FIGURES 1-5 showing a connector with a cover. It is respectfully submitted that claims 1-9 and 12-15 are directed towards the elected species. Moreover, claims 1-4, 9 and 12-15 are considered generic. It is understood that an election of species as required is set forth to facilitate the Examiner's initial search in the examination of the application. However, as argued below, the Applicants respectfully submit that a search of the generic structure of the present invention will not result in a series burden on the Patent Examiner in searching. It is further understood that upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all limitations of an allowed generic claim.

Applicants' attorney respectfully traverses the restriction requirement for at least the following reasons. The methods for making a connector of Group I and the electrical connector produced thereby of Group II are so inextricably related to one another that they should be examined in a single application. Applicants submit that the subject matter of Group I is sufficiently related to the subject matter of Group II as to be easily prosecutable therewith. Under 35 U.S.C. § 121, the U.S. Patent and Trademark Office has the authority to require an applicant to restrict an application which claims "two or more independent and distinct inventions" to one of the inventions. However, the inventions claimed in Groups I and II of the present application are sufficiently related to one another to warrant concurrent prosecution in the same application.

Claims 18-22 define a connector prepared by a method, and delineates a series of steps in the method. Claims 1-17 define an electrical connector. A number of the claims in Group I can be classified as product-by-process claims, i.e. the product as claimed is defined in terms of the process by which it is made. (See, MPEP 2113) A review of the claims of Group II illustrates that the structural limitations recited therein are also expressly included as elements of various product-by-process claims of Group I.

Applicants respectfully submit that co-prosecution of all the claims in the present application is required in the interests of administrative efficiency. A complete and thorough search of the prior art for either the electrical connector or the method for producing the connector would require a search of the subject matter of the other. The search for Group II would also be required for Group I because the same structural limitations claimed in Group II are included as elements of certain method claims of Group I. Thus, it is respectfully submitted that there will not be a serious burden placed on the Examiner if restriction is not required, because a search considering the structural limitations found in each of the claims will require a review of the all of the classifications identified by the Examiner.

Practicality and efficiency and a lack of serious burden on the Examiner dictate that the claims should be retained in a single application and the restriction requirement should be withdrawn. The restriction requirement, if sustained, will prejudice the applicants because of the increased cost to applicants arising from further substantial filing fees and prosecution costs.

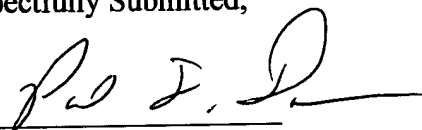
Furthermore, given the close relationship between the claims of Group I and II, prosecution in the same application would be administratively efficient for the U.S.

Patent and Trademark Office. Specifically, by prosecuting the Groups of Inventions together, searches could be consolidated, and one Examiner could readily examine the subject matter of all the claims of this application at once.

In view of the foregoing, withdrawal of the restriction requirement is respectfully requested.

Date: June 20, 2003

Respectfully Submitted,

By: 

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